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David Dicks and Laurelle Dicks

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

David Dicks and Laurelle Dicks,)	Case No.:
)	
Plaintiffs,)	Complaint and Demand for Jury Trial
)	
v.)	(Unlawful Debt Collection Practices)
)	
Harrison, Ross, Byck, P.C.,)	
)	
Defendant.)	

PLAINTIFFS' COMPLAINT

David Dicks and Laurelle Dicks (Plaintiffs), through their attorneys, Krohn & Moss, LTD., allege the following against Harrison, Ross, Byck, P.C. (Defendant):

INTRODUCTION

1. Count I of Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

2 **PARTIES**

3 5. Plaintiffs are natural persons residing in Tucson, Arizona.

4 6. Plaintiffs are consumers as that term is defined by 15 *U.S.C. 1692a(3)*, and according to
5 Defendant, Plaintiffs allegedly owe a debt as that term is defined by 15 *U.S.C. 1692a(5)*.

6 7. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought
7 to collect a consumer debt from Plaintiffs.

8 8. Defendant is a collection agency and conducts business in the State of Arizona.

9 9. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.
12

13 **FACTUAL ALLEGATIONS**

14 10. Defendant constantly and continuously placed collection calls to Plaintiffs, multiple
15 times per day, several days per week, seeking payment for an alleged debt.

16 11. Defendant contacted Plaintiff, David Dicks, at his place of employment, despite being
17 told not to call Plaintiff at his place of employment.

18 12. Plaintiffs mailed Defendant a certified cease and desist letter.

19 13. Defendant continued to contact Plaintiffs despite receiving Plaintiffs cease and desist
20 letter.
21

22 **COUNT I**
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

23 14. Defendant violated the FDCPA based on the following:

- 24 a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff, David Dicks,
25 at his place of employment even though Defendant knew that Plaintiff's

1 employer prohibits the consumer from receiving such communications;

2 b. Defendant violated §1692c(c) of the FDCPA by contacting Plaintiffs after they
3 sent a cease and desist letter;

4 c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
5 consequence of this is to harass, abuse, and oppress Plaintiffs; and

6 d. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiffs'
7 telephone to ring repeatedly and continuously with the intent to annoy, abuse,
8 and harass Plaintiffs.
9

10 Wherefore, Plaintiffs, David Dicks and Laurelle Dicks, respectfully request judgment be
11 entered against Defendant, Harris, Ross & Byck P.C., for the following:

12 15. Statutory damages of \$1000.00, pursuant to the Fair Debt Collection Practices Act, 15

13 *U.S.C. 1692k*;

14 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,

15 *15 U.S.C. 1692k*; and

16 17. Any other relief that this Honorable Court deems appropriate.
17

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs, David Dicks and Laurelle Dicks, demand a jury trial in this cause of action.
20

21 Respectfully Submitted

22 Dated: July 25, 2011

KROHN & MOSS, LTD.

23 By: /s/ Ryan Lee

24 Ryan Lee, Esq.

25 Attorney for Plaintiffs

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, DAVID DICKS, states as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DAVID DICKS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 07/14/11


DAVID DICKS

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, LAURELLE DICKS, states as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LAURELLE DICKS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 07/14/11


LAURELLE DICKS